

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Giansante	Team: Squad #8	CCRB Case #: 201802489	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 03/28/2018 6:03 PM	Location of Incident: [REDACTED]	Precinct: 71	18 Mo. SOL 9/28/2019	EO SOL 9/28/2019	
Date/Time CV Reported Thu, 03/29/2018 1:57 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 03/29/2018 1:57 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SGT Gesner Charles	03036	[REDACTED]	071 PCT
2. POM Asim Karim	13733	[REDACTED]	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Gesner Charles	Abuse: On March 28, 2018, at Empire Boulevard and Rogers Avenue in Brooklyn, Sergeant Gesner Charles made sexually suggestive remarks to § 87(2)(b) [REDACTED]	[REDACTED]
B.SGT Gesner Charles	Abuse: On March 28, 2018, at Empire Boulevard and Rogers Avenue in Brooklyn, Sergeant Gesner Charles propositioned § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Asim Karim	Abuse: On March 28, 2018, at Empire Boulevard and Rogers Avenue in Brooklyn, Police Officer Asim Karim made a sexually suggestive remark to § 87(2)(b) [REDACTED]	[REDACTED]
D.SGT Gesner Charles	Discourtesy: On March 30, 2018, over the phone, Sergeant Gesner Charles spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]

### Case Summary

On March 29, 2018, § 87(2)(b) filed this complaint online, and it was directed to the CCRB and IAB on that date, generating original log number 18-12155 (BR01; BR02-BR03).

On March 28, 2018, at approximately 6:03 p.m., in the vicinity of Empire Boulevard and Rogers Avenue in Brooklyn, § 87(2)(b) was a passenger in a vehicle driven by her boyfriend, § 87(2)(b). Officers from the 71<sup>st</sup> Precinct stopped the vehicle and arrested § 87(2)(b) for driving with a suspended license. Sergeant Gesner Charles and Police Officer Asim Karim, both from the 71<sup>st</sup> Precinct, responded to the location and remained on scene after other officers transported § 87(2)(b) to the stationhouse. Sgt. Charles had an extended conversation with § 87(2)(b) during which he made various sexually suggestive remarks, including that he thought she was pretty, that he liked the way she looked, and that he was “blown away” by how young she looked. He also commented upon her piercings and tattoos, and implied that she had a genital piercing (**Allegation A: Abuse of Authority, § 87(2)(g)**). During the conversation, Sgt. Charles also propositioned § 87(2)(b) by saying that he wanted to take her out, by asking for her phone number, and by repeatedly instructing her to text him so he could get her name and phone number (**Allegation B: Abuse of Authority, § 87(2)(g)**). Sgt. Charles also allegedly instructed PO Karim to tell § 87(2)(b) why they had stopped at the location, and PO Karim allegedly told § 87(2)(b) that Sgt. Gesner had stopped because he liked how she looked and he wanted to speak to her (**Allegation C: Abuse of Authority, § 87(2)(g)**).

In the days after the incident, Sgt. Charles sent § 87(2)(b) numerous text messages, in which he used the word “shit” (**Allegation D: Discourtesy, § 87(2)(g)**). He also told her that he wanted “to be friends” with her (**Allegation B**).

The investigation obtained BWC footage from the officers who stopped the vehicle and transported § 87(2)(b) away, but this footage did not capture the pertinent portion of the incident (BR04-BR05).

### Findings and Recommendations

- **Allegation (A) Abuse of Authority: On March 28, 2018, at Empire Boulevard and Rogers Avenue in Brooklyn, Sergeant Gesner Charles made sexually suggestive remarks to § 87(2)(b)**

**Allegation (B) Abuse of Authority: On March 28, 2018, at Empire Boulevard and Rogers Avenue in Brooklyn, Sergeant Gesner Charles propositioned § 87(2)(b)**

It is undisputed that Sgt. Charles called § 87(2)(b) “pretty,” that he commented favorably upon her youthful appearance and told her she looked very nice for her age, that he obtained her ID to verify her age, that he commented upon her piercings and tattoos, and that he gave her his personal cellphone number. It is further undisputed that Sgt. Charles later texted her that he wanted “to be friends.”

At her in-person CCRB interview, § 87(2)(b) recounted that she was sitting in the front passenger seat of her vehicle, after officers had removed and arrested § 87(2)(b) (BR09). Sgt. Charles spoke to her through the open driver’s window. Sgt. Charles first asked why she looked upset, and § 87(2)(b) noted that her boyfriend had just been arrested. Sgt. Charles told § 87(2)(b) that § 87(2)(b) would be released quickly if he did not have any warrants. Upon learning that § 87(2)(b) license had been suspended in relation to child-support payments, Sgt. Charles explained that the situation might be more complicated.

Sgt. Charles then told § 87(2)(b) that she looked like she was 18 years old. § 87(2)(b) said, “Thank you,” and she told Sgt. Charles that she was § 87(2)(b). Sgt. Charles asked to see

§ 87(2)(b)'s ID, and she provided it. Sgt. Charles said, "Wow, you really are § 87(2)(b) and he told § 87(2)(b) that he was "blown away" and that he could not believe it. Sgt. Charles then walked away to retrieve his cellphone from PO Karim, and § 87(2)(b) moved into the driver's seat.

Sgt. Charles returned to the driver's window and asked § 87(2)(b) for her phone number. § 87(2)(b) could not recall the exact words Sgt. Charles used in asking for her number, but she described him as asking "in a flirty way," and added that he was smirking at the time. Sgt. Charles did not say why he wanted § 87(2)(b)'s phone number. § 87(2)(b) replied to his request for her phone number by saying, "No, you just locked my boyfriend up." Sgt. Charles then told § 87(2)(b) that he was married and had kids. § 87(2)(b) thought Sgt. Charles told her that he was married to indicate that his desire to obtain her phone number was not affected by the fact that she was currently in a relationship. Sgt. Charles asked § 87(2)(b) if she had children, and she told him that she had a daughter.

Sgt. Charles continued to tell § 87(2)(b) about himself and his family. He told her that he had many children; she could not recall exactly how many, but she knew he had at least one child in college, and one child who is § 87(2)(b). During this time, § 87(2)(b) did not speak to Sgt. Charles. Sgt. Charles just kept "babbling" at her.

Sgt. Charles then noted that § 87(2)(b) had a lip piercing and asked her, "How many piercings do you have?" § 87(2)(b) told Sgt. Charles that she had two piercings. Sgt. Charles asked, "How does it feel when you sit down?" He also said, "It must bother you." § 87(2)(b) just looked at Sgt. Charles "like he was crazy," and she did not reply verbally. § 87(2)(b) thought that Sgt. Charles was referring to a genital piercing, which she does not have. In her CCRB phone statement, § 87(2)(b) recounted that Sgt. Charles had specifically asked her if she had a piercing "down there" (BR08). However, in her in-person statement, § 87(2)(b) denied that Sgt. Charles asked her if she was pierced "down there."

Sgt. Charles then commented that § 87(2)(b) had a lot of tattoos and asked how many she had. She replied that she had more than 20 tattoos. The only tattoos which were visible during the incident were those on her hands and wrists. Sgt. Charles said, "Oh, you must like pain." He told § 87(2)(b) that he did not like pain, and that he did not like needles.

Sgt. Charles told § 87(2)(b) that he thought she was pretty and that he liked the way she looked. Sgt. Charles also said that he wanted to take § 87(2)(b) out. He told her that he only stopped at the scene because he liked the way she looked and he wanted to talk to her, and that he had been waiting for the other officers to take § 87(2)(b) away. § 87(2)(b) was waiting at the scene for her father to arrive, as she only had a learner's permit and could not drive the vehicle away. Sgt. Charles was aware that she was waiting for her father.

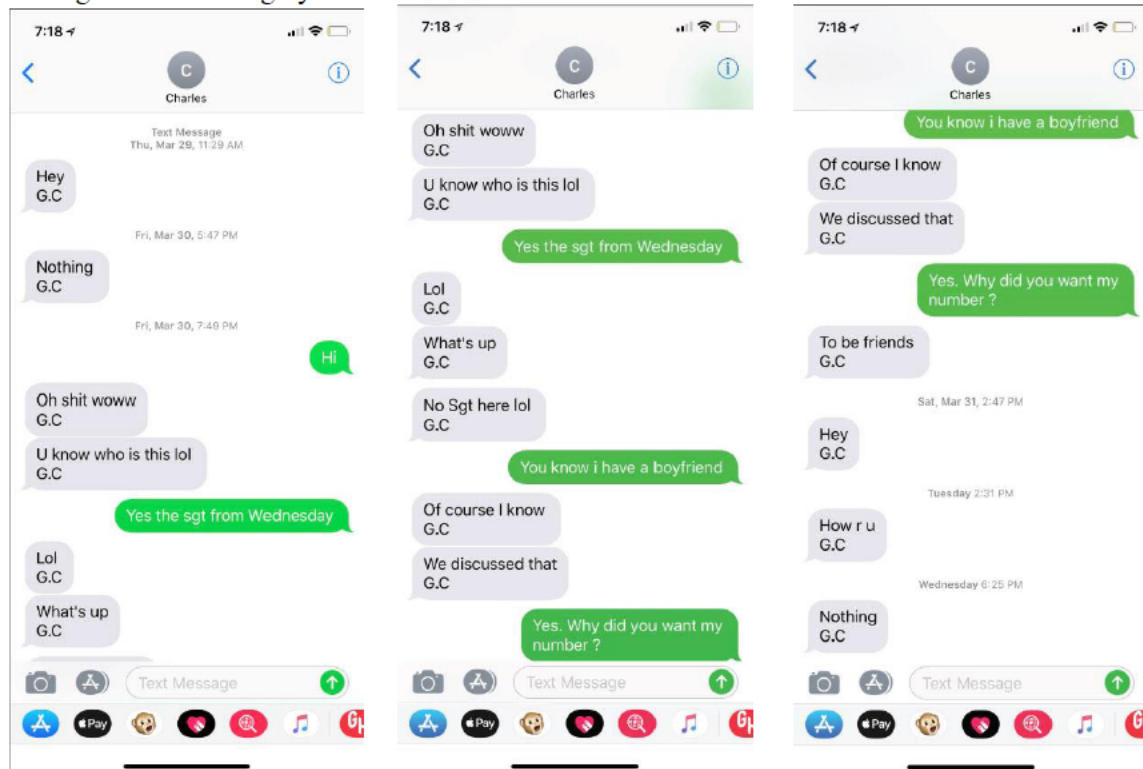
Sgt. Charles eventually told § 87(2)(b) "Text my phone so I can get your number," and he told her his phone number. At first § 87(2)(b) refused, but Sgt. Charles continued to tell her to text him. Sgt. Charles told § 87(2)(b) to text him about five or six times. Finally, § 87(2)(b) relented because she thought it would make Sgt. Charles go away. She entered his number into her phone, but did not intend to text him. However, Sgt. Charles continued to insist that she text him her name, so she finally sent him a text message containing her first name. Just before he left the scene, Sgt. Charles told § 87(2)(b) that she could call him if she needed anything.

§ 87(2)(b) never asked Sgt. Charles for his phone number. She never told Sgt. Charles that she liked the way he looked. She never told Sgt. Charles that she wanted to go out with him or that she wanted to see him again in the future. She never explicitly told Sgt. Charles to stop

talking to her, but eventually she just stopped responding to his comments. She started looking at her phone and stopped looking at him as he continued to talk to her.

Sgt. Charles later texted § 87(2)(b) and asked if her father had arrived. § 87(2)(b) replied by text to say that he had. Sgt. Charles texted her one or two more times that night, and § 87(2)(b) did not respond. In the following days, Sgt. Charles texted § 87(2)(b) additional times. He never called her.

Seven days after her CCRB phone statement, § 87(2)(b) emailed screenshots of a portion of the text message conversation between herself and Sgt. Charles (BR10). At her in-person interview, § 87(2)(b) presented her cellphone and allowed the undersigned to scroll through the string of text messages. The undersigned confirmed that they were identical to the screenshots she provided. In the screenshots, § 87(2)(b)'s messages are colored green and Sgt. Charles' messages are colored gray.



When asked to explain why her phone did not contain the initial text messages between herself and Sgt. Charles from the date of the incident, § 87(2)(b) said that she had initially merely texted Sgt. Charles' phone number, and had not created a named contact for him in her phone. When Sgt. Charles continued to text her in the days after the incident, § 87(2)(b) created a contact with the name "Charles." When she did so, she lost the previous messages from the date of the incident. § 87(2)(g)

In his CCRB statement, Sgt. Charles gave multiple accounts of the exact chronology of his conversation with § 87(2)(b) (BR11). However, he was consistent in his claim that, near the beginning of the conversation, § 87(2)(b) said to him, "Hey. Hi, handsome." Sgt. Charles



replied, "Hey. Hi, pretty." Sgt. Charles replied in this manner to be nice to § 87(2)(b). § 87(2)(b) also informed Sgt. Charles that she did not have a driver's license, and that her father would be arriving soon to drive her vehicle from the scene. § 87(2)(b) later called Sgt. Charles "handsome" a second time. During the CCRB interview, Sgt. Charles recounted that he thought, "Damn, I'm an older guy," and that he was surprised when § 87(2)(b) called him handsome, as she looked young while he is in his forties. Sgt. Charles asked § 87(2)(b) how old she was, and she told him her age. He recalled that she was in her late 20s. Sgt. Charles told § 87(2)(b) "You look younger than that." In recounting his thoughts during the incident, Sgt. Charles said that he thought § 87(2)(b) was "kind of young to try to seduce a guy [his] age." Sgt. Charles then viewed § 87(2)(b)'s ID to verify her age. He first recounted that § 87(2)(b) spontaneously said, "Let me show you my ID." He later recounted that she said, "If you don't believe me, I can show you my ID," and that he replied, "Let me see it." After returning § 87(2)(b)'s ID, Sgt. Charles told her, "You look very nice for that age. You look young." Sgt. Charles denied that he ever used the phrase "blown away."

At some point during the conversation, § 87(2)(b) told Sgt. Charles, "You know, you could give my boyfriend a summons." Sgt. Charles explained to § 87(2)(b) that § 87(2)(b) could not receive a summons, and that he would be issued a DAT if he qualified for one. By this time, the arresting officers had already transported § 87(2)(b) from the scene. § 87(2)(b) continued to ask Sgt. Charles to issue § 87(2)(b) a summons. § 87(2)(b) then began to speak flirtatiously to Sgt. Charles. During the CCRB interview, Sgt. Charles expressed his belief that § 87(2)(b) flirted with him because she was "exploiting [his] weakness" in an attempt to influence his decision regarding the enforcement action taken § 87(2)(b).

During Sgt. Charles' conversation with § 87(2)(b), she pulled up her shirtsleeves to display her tattoos. § 87(2)(b) had tattoos on both arms and on the middle of her chest. Sgt. Charles claimed that § 87(2)(b) stuck out her chest at him as she displayed her tattoos. Sgt. Charles told § 87(2)(b) "Wow, that's very nice. You got a lot of stuff. I don't have any tattoos." Sgt. Charles asked § 87(2)(b) how many tattoos she had. Sgt. Charles asked § 87(2)(b) this because he was curious about how much money she spent on tattoos, as he believes the money could be put to a better use than tattoos. Sgt. Charles also asks this question of coworkers who have many tattoos. § 87(2)(b) said the tattoos were located all over her body. Sgt. Charles told § 87(2)(b) that she must like pain because getting a tattoo hurts. § 87(2)(b) asked Sgt. Charles why he did not have any tattoos, and he told her that he did not like pain and did not like needles.

§ 87(2)(b) then showed Sgt. Charles her tongue piercing. Sgt. Charles first said that § 87(2)(b) did not specifically tell him that she had a genital piercing, but that he inferred that she did because she told him that she had many piercings "all over the place." However, Sgt. Charles later claimed that § 87(2)(b) explicitly told him that her "pussy was pierced." Sgt. Charles said in response, "That's crazy." Sgt. Charles denied asking § 87(2)(b) how the piercing felt when she sat down or telling her that it must bother her.

Once § 87(2)(b) began talking about her piercings, Sgt. Charles felt that § 87(2)(b) was being too flirtatious. Sgt. Charles told § 87(2)(b) that he was a married man, that there was "other stuff going on right now," and that he "didn't want to deal with that." Sgt. Charles also told § 87(2)(b) that he had children. Sgt. Charles thought he might have asked § 87(2)(b) if she had children. Sgt. Charles told § 87(2)(b) that he had a § 87(2)(b). Sgt. Charles has two children, the § 87(2)(b) and a § 87(2)(b). Sgt. Charles does not have any children in college.

Sgt. Charles denied both that he asked § 87(2)(b) for her phone number and that she ever refused to provide it to him. He also denied that he ever instructed her to send him a text message. He denied that § 87(2)(b) ever told him that she did not want to contact him because she had a boyfriend. In fact, Sgt. Charles claimed that § 87(2)(b) asked if she could call him in the future, as she needed to know if § 87(2)(b) was going to get a summons. In response, Sgt. Charles said, "Okay, that's fine," and verbally stated his personal cellphone number to § 87(2)(b). He watched as she entered the number into her phone, and he claimed that she immediately called his phone on scene. Sgt. Charles did not answer this call. Sgt. Charles gave his personal cellphone number to § 87(2)(b) because he does not mind giving out his number; he provides it all the time to "nice people." Sgt. Charles did not recall § 87(2)(b) sending him any text messages while they were both still on scene. He denied that he ever instructed § 87(2)(b) to send him a text message containing her name, and he denied telling her to call him if she needed anything.

Shortly before Sgt. Charles left the scene, § 87(2)(b) told him, "Nice accent. What accent is this?" Sgt. Charles told § 87(2)(b) that he was Haitian. Sgt. Charles later added that after he told § 87(2)(b) that he was Haitian, she told him that she was Trinidadian. Sgt. Charles told her, "That's good. I like Trini food. My ex-girlfriend was Trinidadian."

Sgt. Charles could not recall if he ever told § 87(2)(b) that he liked the way she looked. He denied telling her either that he wanted to take her out or that he wanted to take her out for dinner. He denied making any kind of romantic overture or proposition to her, and denied that he suggested the possibility of sexual activity. He could not recall if, while still on scene, § 87(2)(b) ever asked him out. In denying that he ever propositioned § 87(2)(b), Sgt. Charles remarked that he did not do so because he could lose his job as a result.

At some point during Sgt. Charles' conversation with § 87(2)(b), § 87(2)(b) asked him why he was there. Sgt. Charles explained that officers called him to respond to the scene to verify § 87(2)(b) arrest. Sgt. Charles never told § 87(2)(b) that he stopped at the location because he liked the way she looked and wanted to talk to her. Sgt. Charles remained on scene after § 87(2)(b) was transported only because § 87(2)(b) kept trying to talk to him about § 87(2)(b) being issued a summons. When Sgt. Charles left, § 87(2)(b) remained sitting in her vehicle waiting for her father to arrive.

At the conclusion of his CCRB interview, but before he was shown the screenshots of the text messages provided by § 87(2)(b), Sgt. Charles' was questioned regarding any telephonic communication between himself and § 87(2)(b) which took place after the incident. Sgt. Charles made varying statements as to the exact nature of the communication. He initially claimed that he texted her after the incident follow up, either to discuss her father's impending arrival on scene or the processing of § 87(2)(b) arrest. At one point, Sgt. Charles also claimed that § 87(2)(b) texted him later that day to again ask if § 87(2)(b) could get a summons.

Sgt. Charles initially denied sending any texts to § 87(2)(b) on the day after the incident, but he later claimed that he texted § 87(2)(b) again to find out if someone had picked up § 87(2)(b) from the stationhouse. He thought that § 87(2)(b) responded to this message to say that her father had picked up § 87(2)(b). Sgt. Charles initially denied sending § 87(2)(b) a text asking if she knew who he was, but later admitted that he did so. Sgt. Charles claimed that he did not simply identify himself because he wanted to be careful in case he was sending the text to the wrong number. Sgt. Charles denied that § 87(2)(b) ever asked him, via text message, why he had wanted her phone number. Sgt. Charles initially did not recall ever telling § 87(2)(b) via text, that he wanted "to be friends." However, he also said that it was possible that he had done

so, and he claimed that, because § 87(2)(b) had been so flirtatious with him, he wanted to make it clear to her that he wanted only to be friends and nothing more.

Sgt. Charles claimed that he thought § 87(2)(b) may have sent him one or two flirtatious text messages. He could not recall the exact content of these messages, but he thought § 87(2)(b) may have called him “handsome,” “cutie,” or “honey.” Sgt. Charles thought § 87(2)(b) may have sent these messages on March 29.

Crucially, Sgt. Charles initially claimed that his text message correspondence with § 87(2)(b) on March 29 was the last contact he had with her. He denied that he sent her any text messages after March 29. However, he later softened his denial by saying that he did not recall the date of his final text message to § 87(2)(b) and that he did not recall sending her any messages after March 29. He thought it was possible that § 87(2)(b) may have sent him text messages on dates after March 29, but he could not recall with certainty.

Sgt. Charles initially said that he did not think § 87(2)(b) called him after the incident, and he had no recollection of making any calls to § 87(2)(b). However, Sgt. Charles later said that he thought § 87(2)(b) might have called him in response to his texting her to tell her that § 87(2)(b) was going to be released with a DAT. Sgt. Charles then claimed that § 87(2)(b) did, in fact, call him after the incident. He specified that she called him on March 29. Sgt. Charles initially did not recall if he spoke to § 87(2)(b) over the phone, but he later claimed that he did speak to § 87(2)(b) by phone, and that she was being flirtatious by referring to him as “handsome” and “cutie.” She also asked him to go out with her. Sgt. Charles later equivocated on this claim, and said that he was not sure whether § 87(2)(b) made these statements to him during a phone call or via text message. Sgt. Charles claimed that he rejected § 87(2)(b)’s romantic overtures, and that he told her that he “does not do that.”

Finally, the investigator presented Sgt. Charles with the screenshots § 87(2)(b) provided of their text message conversation (BR10). Sgt. Charles confirmed that the messages were genuine, and specifically confirmed that he signs all his text messages with his initials. Sgt. Charles pointed out, however, that the screenshots did not show the messages in which § 87(2)(b) referred to him as “handsome” and “cutie.” Sgt. Charles could not say whether those messages occurred chronologically before or after the messages depicted in the screenshots.

The investigator questioned Sgt. Charles with regard to the specific meaning and intent of each message he sent. The first message, from March 29 at 11:29AM, states, “Hey.” Sgt. Charles could not recall what message came immediately before that message, but he thought he may have sent his message in response to a message from § 87(2)(b) calling him “cutie” or “handsome.”

The second message, from March 30 at 5:37PM, states, “Nothing.” Sgt. Charles guessed he might have sent this because § 87(2)(b) did not reply to his prior message. Sgt. Charles was surprised that she had not texted him back, because she was the one who started with the “flirtatious stuff,” which included the aforementioned texts in which she called him “handsome” and “cutie.” Sgt. Charles claimed for the first time that § 87(2)(b) had also asked him, via text message, if he liked Trinidadian food.

§ 87(2)(b) responded on March 30 with a message stating, “Hi.” Sgt. Charles responded with two messages containing, “Oh shit woww. U know who is this lol [*sic*].” When asked to explain these messages, Sgt. Charles said that he thought § 87(2)(b) might not know his identity, as she had not responded to his previous message. Sgt. Charles included the acronym for “laughing out loud” because he often uses it in text messages to indicate humor.



§ 87(2)(b) responded with a message stating, “Yes the sgt from Wednesday [sic].” Sgt. Charles replied with three messages containing, “Lol. What’s up. No Sgt here lol [sic].” Sgt. Charles claimed that he asked, “What’s up?” because he wanted to know if § 87(2)(b) had been picked up after his release at the stationhouse. When asked to explain why he said, “No sgt here [sic],” Sgt. Charles said that people frequently call him “Sergeant” even when he is off duty, but that he prefers not to be referred to by his rank. He explained that he sent the messages to indicate, “Don’t call me Sergeant,” or “Don’t call me Sergeant when I’m off duty.” However, when asked if he meant that he was attempting to have a conversation with § 87(2)(b) that was not within his duty as a police officer, Sgt. Charles repeated that he simply meant, “Don’t call me Sergeant.”

§ 87(2)(b) responded with a message stating, “You know i have a boyfriend [sic].” Sgt. Charles replied with two messages stating, “Of course I know. We discussed that.” § 87(2)(b) replied, “Yes. Why did you want my number?” Sgt. Charles claimed not to understand why § 87(2)(b) asked this question, as he had never asked for her phone number. When asked to explain why he did not correct § 87(2)(b) on this point during the text conversation, Sgt. Charles said that he “wasn’t thinking.” Sgt. Charles replied to § 87(2)(b)’s question by saying, “To be friends.” When asked to explain what he meant by this message, Sgt. Charles claimed that he wanted to reiterate to § 87(2)(b) that he only wanted to be friends, and that he did not want a sexual or romantic relationship.

While being questioned about the contents of his text message conversation with § 87(2)(b), Sgt. Charles denied that he was initiating contact with § 87(2)(b). He claimed that he was merely responding to her earlier messages to him in which she called him “cutie” and “handsome.” He claimed that he only continued to text her because he wanted to find out if someone had picked up § 87(2)(b) from the stationhouse. However, Sgt. Charles had initially stated that he thought § 87(2)(b) had called or texted him to tell him that someone had picked up § 87(2)(b) and that he thought he learned this information before he sent the string of messages seen in the screenshots. Sgt. Charles later claimed that § 87(2)(b) probably did not tell him about § 87(2)(b) getting picked up until after he sent the messages depicted in the screenshots, but he could not specifically recall.

In addition, while being questioned about the contents of his text messages, Sgt. Charles began to make additional claims regarding § 87(2)(b) having called him multiple times after the incident. He initially could not recall how many times § 87(2)(b) called him. He later estimated that she called him four or five times. Sgt. Charles claimed that § 87(2)(b) called him from a number that was different from the number she was using to send him text messages, and that she also called from a number which appeared as “private” or “blocked.” Sgt. Charles claimed that these phone conversations only took place on March 29, but later said they took place on multiple different dates after March 28. Sgt. Charles described § 87(2)(b)’s calls as unwanted, but he never explicitly told her to stop calling him.

On each occasion that § 87(2)(b) called Sgt. Charles, Sgt. Charles answered because no name appeared with the number on his phone. Each time, Sgt. Charles answered, “How you doin’?” § 87(2)(b) would reply, “How you doin’, handsome?” She might have also called him “cute.” § 87(2)(b) would also tell Sgt. Charles that she cooked good Trinidadian food. Sgt. Charles told § 87(2)(b) that he had not had Trinidadian food in a while. § 87(2)(b) offered to bring such food to him at work. Sgt. Charles told § 87(2)(b) not to do so. He also told her that he had a wife and kids, and that he did not want to jeopardize that situation.



As per the screenshots, Sgt. Charles sent three further text messages to § 87(2)(b) on March 31, April 3, and April 4. The messages contained the following statements: “Hey,” “How r u [sic],” and “Nothing.” When asked to explain why he sent these additional messages, Sgt. Charles claimed that § 87(2)(b) had “started something.” However, at another point in the interview, when asked why he continued to text § 87(2)(b) even though her phone calls were unwanted, Sgt. Charles claimed that he wanted to be cordial to § 87(2)(b). Although § 87(2)(b) had allegedly called Sgt. Charles from different phone numbers, Sgt. Charles only ever sent text messages to the original number he had for § 87(2)(b).

When asked to explain the meaning of his final text message to § 87(2)(b) on April 4, which stated, “Nothing,” Sgt. Charles confirmed that he meant that § 87(2)(b) had not responded to his prior text messages. Sgt. Charles claimed that he wanted § 87(2)(b) to respond to his text messages not because he wanted to flirt with her, but because he thought it was strange that she continued to call him while refusing to respond to his text messages.

After the final text message on April 4, Sgt. Charles did not think § 87(2)(b) sent him any further messages. He thought § 87(2)(b) might have called him again after that date, but he could not recall. Sgt. Charles claimed to have deleted the entire text message conversation between himself and § 87(2)(b) and he claimed to have no record on his phone of the supposed calls from § 87(2)(b).

During the CCRB interview, Sgt. Charles expressed the belief that § 87(2)(b) may have been attempting to get him in trouble because he had refused to release § 87(2)(b) with a summons. Sgt. Charles did not have this belief at the time he was trading text messages with § 87(2)(b). However, he later came to the belief when he learned that § 87(2)(b) had filed a complaint against him. Sgt. Charles acknowledged that, in retrospect, it was “bad on [his] part” to have texted § 87(2)(b). Sgt. Charles has never had any training on what to do or how to respond when civilians are being flirtatious or making suggestive remarks. At no point during any of his communications with § 87(2)(b) did Sgt. Charles apprise any supervisors or other officers about the situation. Sgt. Charles made no official reports regarding his contact with § 87(2)(b).

At his CCRB interview, PO Karim recounted that he did not hear Sgt. Charles’ conversation with § 87(2)(b) as he was not standing near her vehicle for most of the incident (BR12). However, he did approach her vehicle at one point, approximately one or two minutes after Sgt. Charles began speaking to her. PO Karim approached simply to check on Sgt. Charles, and he was near § 87(2)(b)’s vehicle only for a matter of seconds. PO Karim saw that § 87(2)(b) was crying and appeared upset, and he said to her, “Ma’am, you seem really upset.” In an attempt to improve § 87(2)(b)’s mood, PO Karim reassured her that § 87(2)(b) would be fine. PO Karim then commented to § 87(2)(b) that she had a lot of piercings. § 87(2)(b) smiled in response and said, “Yes, I do.” PO Karim replied, “That’s great,” and walked back to his police vehicle.

The investigation obtained the metadata records for § 87(2)(b) and Sgt. Charles’ cellphones directly from their respective service providers (BR13; BR14). The records are almost wholly consistent with the screenshots and account provided by § 87(2)(b). The records are not consistent with the various claims Sgt. Charles made regarding his telephonic communication with § 87(2)(b).

First, the records show that there were no phone calls between § 87(2)(b) and Sgt. Charles' phones, either on the date of the incident or in the following month. This is consistent with § 87(2)(b)'s account. It is not consistent with Sgt. Charles' claim that, at the scene of the incident, § 87(2)(b) entered his phone number into her phone and called him immediately.

The metadata records do not provide the contents of the text messages, but they do show the exact date and time each message was sent. The investigation created color-coded tables of the messages sent between § 87(2)(b) and Sgt. Charles (BR15; BR16). The dates and timestamps in these tables correspond exactly to the dates and times shown in the screenshots provided by § 87(2)(b). The records also show that there were no further messages exchanged after the final message from Sgt. Charles to § 87(2)(b) on April 4.

With regard to the messages from the date of the incident, which do not appear in the screenshots, the metadata tables show that a total of six messages were exchanged and that they were all sent within an hour of the incident. These messages immediately precede the messages shown in the screenshots. § 87(2)(b) and Sgt. Charles each sent three messages. The messages were sent in alternating fashion, such that neither party sent more than one message before receiving a message in response. § 87(2)(b) sent the first message at 6:18 p.m., and Sgt. Charles sent the final message at 7:06 p.m.

§ 87(2)(g)

§ 87(2)(b) she sent the first message within approximately nine minutes of Sgt. Charles' arrival on scene, and Sgt. Charles himself estimated that he remained on scene for approximately 20 minutes. The records are also consistent with § 87(2)(b)'s recollection that Sgt. Charles' texted her shortly after the incident, and that she replied to him. § 87(2)(b) recounted that she did not send any further messages to Sgt. Charles that night, but the records show that she did send one more text message.

§ 87(2)(g)

Throughout his CCRB interview, Sgt. Charles often failed to recount § 87(2)(g) information until he was questioned directly or presented with inculpatory evidence. In response to such evidence, Sgt. Charles repeatedly admitted to a wider scope of behavior than he had previously recounted. Similarly, Sgt. Charles continually provided new and evolving explanations for his behavior. § 87(2)(g)

The content of Sgt. Charles' text messages to § 87(2)(b) belie his denials that he flirted with her in person or that he sent the text messages in order to continuing flirting with her. For example, Sgt. Charles denied that he asked for § 87(2)(b)'s phone number on scene, and he claimed that she actually asked for his number. However, the screenshots show that she asked him why he wanted her phone number. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

The screenshots clearly show that Sgt. Charles made repeated and unprompted attempts to engage with § 87(2)(b) and that her responses were uniformly limited and unresponsive. § 87(2)(g)

§ 87(2)(g)

Patrol Guide Procedure 203-09 requires that officers must be courteous and respectful when interacting with the public (BR17).

By his own admission, Sgt. Charles commented favorably upon § 87(2)(b)'s appearance and gave her his personal cellphone number. § 87(2)(g)

- **Allegation (C) Abuse of Authority: On March 28, 2018, at Empire Boulevard and Rogers Avenue in Brooklyn, Police Officer Asim Karim made a sexually suggestive remark to**

§ 87(2)(b)

At her in-person interview, § 87(2)(b) recounted that Sgt. Charles told her he only stopped at the scene because he wanted to talk to her. Sgt. Charles later called PO Karim over to § 87(2)(b)'s vehicle and told him, "I'm gonna turn around, and I want you to tell her why I stopped." Sgt. Charles turned around, and PO Karim told § 87(2)(b) "He stopped because he liked how you looked, and he was waiting for them to take your boyfriend away so he can talk to you." PO Karim then walked away from § 87(2)(b)'s vehicle. § 87(2)(b) never recounted that PO Karim made any other statements to her, regarding either her physical appearance or the arrest of § 87(2)(b).

PO Karim denied that Sgt. Charles ever called him over to the vehicle. He recounted approaching briefly of his own volition to check on Sgt. Charles, and speaking briefly to § 87(2)(b) because she seemed upset. He told her that § 87(2)(b) would be fine, and he commented that she had a lot of piercings. He denied having any other conversation with her, and specifically denied making the alleged statement. He denied that Sgt. Charles ever instructed him to tell § 87(2)(b) why they had stopped at the scene. PO Karim also denied that Sgt. Charles ever spoke to him about § 87(2)(b)'s presence while the two officers were arriving on scene.

Sgt. Charles similarly denied that any portion of § 87(2)(b)'s allegation took place. He explained that he was required to respond to the scene to verify the arrest of § 87(2)(b) and that he was called to the scene by the officers who arrested § 87(2)(b).



Patrol Guide Procedure 203-09 requires that officers must be courteous and respectful when interacting with the public (BR17).

§ 87(2)(g)

- **Allegation (D) Discourtesy: On March 30, 2018, over the phone, Sergeant Gesner Charles spoke discourteously to** § 87(2)(b)

As explained above, Sgt. Charles used the word “shit” in a text message he sent to § 87(2)(b) on March 30.

Patrol Guide Procedure 203-09 requires that officers must be courteous and respectful when interacting with the public (BR17).

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first complaint to which § 87(2)(b) has been a party (BR18).
- Sgt. Gesner Charles has been a member of the NYPD for 18 years and has been a subject in three CCRB complaints and four allegations, of which one was substantiated:
  - Case #201211897 involved a substantiated vehicle search allegation. The Board recommended a Command Discipline, and the NYPD imposed no discipline.
- PO Asim Karim has been a member of the NYPD for four years and has been a subject one complaint and two allegations, none of which was substantiated.
- Sgt. Charles and PO Karim are both subject officers in case #201800905, which is still under investigation. PO Karim is also a subject in case #201802613, which is also still under investigation § 87(2)(g)

#### **Mediation, Civil and Criminal Histories**

- This case was not suitable for mediation.
- As of August 3, 2018, the NYC Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (BR19).
- According to the Office of Court Administration, § 87(2)(b) has no history of convictions in New York City (BR20).

Squad No.: 8

Investigator: \_\_\_\_\_ Inv. Daniel Giansante \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date